

California Regional Water Quality Control Board

NORTH COAST REGION

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EXECUTIVE OFFICER'S REPORT

December 2003

ADMINISTRATION

New Fee Schedule Adopted by the State Water Board

[Staff Contact: Lori Foster]

On September 30, 2003 the State Water Resources Control Board (State Water Board) passed Resolution No. 2003-0064 adopting emergency regulation revisions to the fee schedules contained in Title 23, Division 3, Chapter 9, Article 1, Section 2200 of the California Code of Regulations. Recent legislation amended Water Code Section 13260 to remove the maximum limit on an annual fee that the State Water Board can impose for those who hold waste discharge requirements.

Resolution No. 2003-0064 also imposes a new surcharge for ambient water monitoring. The surcharge is calculated at 9% of the discharger's annual fee amount for Waste Discharge Requirements including landfill facilities. Dischargers who have a NPDES Permit are charged 18% of the discharger's annual fee. Pre-billing revenues for fiscal year 2003/2004 are estimated at \$1,993,512 for the North Coast Regional Water Board.

Information regarding the new fee schedule is available in the State Water Board's web site at:

<http://www.swrcb.ca.gov>

WATERSHED MANAGEMENT DIVISION

Van Duzen River Watershed TMDL

[Staff Contact: Robert Klamt and Mark Neely]

The sediment TMDL for the Van Duzen was adopted by the USEPA in December of 1999. Roads and timber harvest activities were identified as the major sources of controllable sediment. Since its adoption, work on identifying project-specific sites and remediations has been initiated. The Regional Water Board staff have not had an active role in outreach or implementation in the Van Duzen watershed.

The Humboldt Resource Conservation District has received three federal 319(h) grants for sediment issues in the Eel River watershed. Under two of those grants, work in the Van Duzen consists of 18 landowner projects for stream bank stabilization, riparian vegetation, exclusionary fencing, and road drainage repairs and reconstruction. We expect work to begin under the third contract in the Spring of 2004, and will likely include sites in the Van Duzen for similar work.

The Yager Environmental Stewards (YES), a group of local landowners in the Yager Creek sub-watershed, obtained funding for road assessments and repairs. To the best of our knowledge, the assessments have been completed and some funding has been secured for repairs. The YES applied for a consolidated grant from the State Water Board in this last grant proposal solicitation. The proposal received favorable review in the first step, and a full proposal was requested. It is now in final review, definitely "in the running," and awaiting the final development of the statewide funding list, about mid-December.

TIMBER HARVEST DIVISION

Update on the Hanes Ranch ACL Order

[Staff Contact: Jonathan Warmerdam]

On September 24, 2003, the North Coast Regional Water Quality Control Board adopted Administrative Civil Liability Order No. R1-2003-0093 (ACL Order) to the Hanes Ranch Inc. and Mr. John Hanes, President of Hanes Ranch Inc. The ACL Order imposes an administrative civil liability of \$237,000 to be administered as follows: \$100,000 is payable within 30 days of the ACL Order adoption date and \$137,200 is suspended provided the Dischargers submit a long term erosion control plan acceptable to the Regional Water Board Executive Officer, not later than 180 days from the adoption of the ACL Order.

On October 23, 2003, John W. Hanes and Hanes Ranch, Inc. submitted a petition to the State Water Resource Control Board (SWRCB) requesting review of the ACL Order and immediate stay of the fine. The petition is currently under consideration for review by the Office of Chief Counsel.

On October 24, 2003, the Regional Water Board Executive Officer issued a revised Cleanup and Abatement Order No. R1-2003-0123-A and Request for Technical Reports (CAO 2003-A). Requirements of this revised CAO 2003-A include implementation of short-term erosion control measures, submittal of monthly monitoring reports during the winter period, and submittal of a final long-term erosion control plan by February 23, 2004.

Update on Timber Harvest Activities in the Van Duzen River Watershed

[Staff Contact: David Kuszmar]

Regional Water Board staff places a high priority on inspecting THPs in the Van Duzen River watershed. One reason for this is our concern about the rate of clearcutting and other land

disturbance conducted by the Pacific Lumber Company (Palco). Palco's sustained yield plan (SYP), recently invalidated by the courts, was designed, in part, to avoid cumulative watershed impacts by following decade-long harvest projections at a watershed scale. However, harvest rates approved to date by the California Department of Forestry (CDF), particularly in the Van Duzen River watershed, far exceed the SYP projections, and Palco continues to submit new THPs. This accelerated rate of logging may exacerbate the impaired condition of the Van Duzen River. So far this year, we have attempted to address these issues with CDF through nonconcurrences, the MOU conflict resolution process, a request for Head of Agency Appeal, and a meeting with the Interagency Liaison Committee. None of these efforts appear to have slowed the pace of logging in the Van Duzen watershed.

Update on Water Quality Monitoring Orders and Agreements in the Five Watersheds

[Staff Contact: David Kuszmar]

Water quality monitoring activities for a variety of objectives are currently underway in the Elk River, Bear, Jordan, Stitz, and Freshwater Creek watersheds (a.k.a. the Five Watersheds). Many of these activities have been implemented through a combination of monitoring orders and cooperative agreements between the Pacific Lumber Company (Palco), Simpson Resource Company (Simpson) and the State and Regional Water Boards. Most of these monitoring projects have been online for one winter period or less. Table 1 summarizes the nature and status of these projects. The "Data Received?" column refers to data that have been received by the Regional Water Board staff for the most recent sampling period per the terms of the existing orders and agreements. Once the data have been received for each project, staff will begin the process of data analysis, and will then present the results of such analyses to the Board.

Table 1. Summary of Water Quality Monitoring Projects Specifically Ordered or Otherwise Requested by the State and Regional Water Boards in the Five Watersheds

Project Name	Landowner	Implementation	Data Received?
Assessment / TMDL Development			
Freshwater Creek TMDL Development	PALCO	Cooperative Agreement	No
Elk River TMDL Development	PALCO	Regional Board Order	No
Ryan Creek TMDL Development *	Simpson	Regional Board Order	Yes
McCloud Creek TMDL Development **	Simpson	Cooperative Agreement	Yes
Trends Monitoring			
Elk River Trends (2000)	PALCO	Regional Board Order	Yes
Bear Creek Trends (2000)	PALCO	Regional Board Order	Yes
Lower Eel Trends (2003)	PALCO	Cooperative Agreement	Not Applicable
Basin Plan Compliance / Forensic			
THP 520 Monitoring **	PALCO	State Board Order	No
THP 201 Monitoring *	PALCO	Cooperative Agreement	No
THP 027 Monitoring *	Simpson	Cooperative Agreement	Yes
Elk River WDRs Monitoring	PALCO	Regional Board Order	Partial
Freshwater Creek WDRs Monitoring	PALCO	Regional Board Order	Yes

* Project is located in the Freshwater Creek watershed

** Project is located in the Elk River watershed

WATERSHED PROTECTION DIVISION

Update on Confusion Hill landslide.

[Staff Contact: Tom Dunbar]

Cal Trans has received a federal grant for emergency construction of Confusion Hill bypass. Approximate cost is \$67 million. The project must be completed and ready to use by 2008. The bypass goes across river and uses two long (500 ft and 1200 ft long), high (140 feet above river) bridges. Regional Water Board staff has met with Cal Trans staff and staff of other state and federal agencies to look at the new alignment. This project must be put on the fast track to meet the 2008 deadline.

TIMBER HARVEST ACTIVITIES

During the month of October 2003 the Timber Harvest Division received 29 new Timber Harvest Plans (THPs) and no amendments for existing THPs. Staff participated in First Review meetings for 16 THPs and participated in Second Review meetings for 25 THPs. Twelve inspections were conducted during October 2003.

NOTE: This is a snap shot of a working database with data entered as of November 14, 2003.

CALIFORNIA WATER CODE SECTION 13267 LETTER ORDERS

Two California Water Code Section 13267(b) letter Orders were issued during the month of October 2003. One was issued to Hopland Public Utilities District for a status report with regard to a large quantity of water that discharged from a potable water tank into a small ephemeral stream that flowed into a storm drain. The second 13267(b) letter order was issued to Shamrock Materials Inc. requesting a technical report on activities associated with a dredging project in Cloverdale.

CLEANUP AND ABATEMENT ORDERS

No Cleanup and Abatement Orders were issued during October 2003.

SPIILLS, COMPLAINTS, AND INVESTIGATIONS

Two sewage system overflows were reported during October 2003. On October 14, 2003 the City of Fort Bragg reported a sewage system overflow of approximately 480 gallons discharged to a private business as a result of sewer backup. City staff determined that the business had an illegal connection to the sewer. The City plans to take enforcement actions against the business. On October 16, 2003 the City of Eureka reported 400-500 gallons of untreated sewage overflow from a manhole into a waterway. The City of Eureka cleaned up the solids and cleared the plugged line.

Three complaints were received during the month of October 2003. On October 16, 2003 a citizen made a complaint of potential filing of wetland habitat without appropriate approvals, within a flood prone area at Westport Beach Subdivision, Branscomb Road, Westport. On October 20, 2003 staff received a complaint regarding too many trees being cut near Redwood Creek and heavy equipment operating too close to the creek. On October 21, 2003 received a complaint about land clearing in Little River in Mendocino County.

ADMINISTRATIVE CIVIL LIABILITY COMPLAINTS/ ORDERS

One Administrative Civil Liability Complaint was issued during October 2003. The complaint was issued to Vintage Greens LLC, for Vintage Greens Phases 2, 3 and 4 for sediment violations of their storm water permit.

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM

For the month of October 2003, \$418,328 in funds were issued to tank owners in Region 1 from the Underground Storage Tank Cleanup Fund. There were two (2) letters of commitment issued during the month of October 2003.

PROPOSITION 65 NOTIFICATIONS

No Proposition 65 Notifications were submitted to our office during October 2003.

LEAKING UNDERGROUND STORAGE TANKS

No new Leaking Underground Storage Tanks cases were added during October 2003.

CLEAN WATER ACT SECTION 401 CERTIFICATIONS

Five (5) new applications for Clean Water Act Section 401 Water Quality Certification were received in October 2003. Ten (10) 401 Certifications were issued during October 2003 and one was withdrawn by the applicant.

Information regarding all proposed certifications is available in the Board's web site at:

http://www.swrcb.ca.gov/rwqcb1/Public_Notices/401certs/notice401.html

PUBLIC FILE REVIEW

From October 1 through 31, 2003, two written Public Records Act Requests were made for review and/or copies of the Regional Water Board's records. In addition, a total of 36 people came into the office and requested review of files.

PUBLIC OUTREACH ACTIVITIES

Outreach- Staff Presentation at SSU

Lauren Clyde and Peter Otis of the Watershed Management Division's Planning and Monitoring and Assessment Units, were asked by Professor Steve Norwick of Sonoma State University, to give a presentation at weekly Environmental Forum on October 30, 2003. Ms. Clyde and Mr. Otis showed a 30-minute Power Point slide show highlighting the work that is done by North Coast Regional Water Quality Control Board staff. The presentation provided an overview of the regulatory framework of the agency and highlighted the work that is done by staff in each division in the office. The presentation also provided examples of some restoration projects completed with grant funding and an enforcement case recently settled by the Sonoma County DA's Office. Staff was pleased to see that the students appeared very interested in the topics covered as illustrated by the many questions and discussion initiated during the presentation.

UPCOMING REGIONAL WATER BOARD MEETINGS

The North Coast Regional Water Board will hold its regularly scheduled Board Meeting on January 27 & 28 at the North Coast Regional Water Board in Santa Rosa, California.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web-site at <http://www.swrcb.ca.gov>.